IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

WP(C).No. 35623 of 2007(N)

AGAINST THE ORDER DATED 09/10/2007 IN EA 786/2007 IN EP 208/07 IN OS.358/1995 OF I ADDL.MUNSIFF COURT,TRIVANDRUM.

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PETITIONER/ 1ST COUNTER PETITIONER:

G.SURENDRAN,
THE SECRETARY, TRIVIKRAMANGALAM TEMPLE,
ADVISORY COMMITTEE.

BY ADV. SRI.L.RAJESH NARAYAN IYER.

RESPONDENTS:

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1. **R.NARAYANA POTTI, S/O. RAMAKRISHNA POTTI,**
   RESIDING AT THRIVIKRAMANGALAM MADOM,
   THAMALAM, KARAMANA P.O., THIRUVANANTHAPURAM.

2. **KRISHNAN NAIR,**
   THE PRESIDENT, THRIVIKRAMANGALAM TEMPLE
   ADVISORY COMMITTEE.

3. **THE SECRETARY,**
   DEVASWOM BOARD, NANTHANCODE, THIRUVANANTHAPURAM.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.35623 OF 2007

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Dated this the 1st day of December 2007

JUDGMENT

This writ petition is preferred against the order of the I Addl.Munsiff's Court, Thiruvananthapuram in E.A.No.786 of 2007 in E.P.No.208 of 2007 in O.S.No.358 of 1995. The said application is one for issuance of a Commission to identify the decree schedule property and to ascertain the alleged acts of violation of the decree. The court below directed the Commissioner to inspect the property after giving notice to the parties, peruse the execution petition, commission application, commission report in the suit, gift deed, etc. before preparing the report and thereafter directed the matters sought to be ascertained in the application to be reported. I do not find any perversity or illegality in the order passed by the court below and the attempt of the petitioner is to re shake the whole decree which cannot be permitted under law. Therefore writ petition lacks merit and the same is dismissed.

M.N.KRISHNAN, JUDGE

Cdp/-